

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM HENRY DEASE,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-18-1179-F
)	
JOE ALLBAUGH, et al.,)	
)	
Defendants.)	

ORDER


Plaintiff William Henry Dease, a state prisoner appearing *pro se*, brings this action seeking relief against state officials for alleged constitutional violations related to his mail. Defendants moved to dismiss. Doc. no. 25. On August 20, 2019, Magistrate Judge Bernard M. Jones submitted a Report and Recommendation. Doc. no. 30. The Report recommends that defendants' motion to dismiss, to the extent it relates to Eleventh Amendment immunity, be granted and that the official capacity claims for monetary relief be dismissed without prejudice. With respect to the remaining claims, the Report recommends that defendants' motion to dismiss, to the extent it relates to defendants' exhaustion defense, be converted to a motion for summary judgment and granted.

The Report advised that any objection to the Report must be filed with the clerk of this court by September 10, 2019, and that failure to make timely objection waives the right to appellate review of the factual and legal issues addressed in the Report. The time for objection has expired, and no party has objected or requested an extension of time within which to object to the Report.

Having reviewed the Report, and with there being no objection to the Report, the court concurs in the recommended rulings stated there. The court also finds that given the detailed analysis set out in the Report, no purpose would be served by any additional discussion of the issues here.

The Report (doc. no. 30) is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, defendants' motion (doc. no. 25) is **GRANTED**, as follows. Defendants' motion to dismiss, to the extent it relates to Eleventh Amendment immunity, is **GRANTED** and the official capacity claims for monetary relief are **DISMISSED** without prejudice. Defendants' motion to dismiss, to the extent it relates to the exhaustion defense, is converted to a motion for summary judgment and is **GRANTED**. As noted in the Report, these rulings moot plaintiff's motions for a preliminary injunction and/or temporary restraining order. Doc. nos. 22, 28.

IT IS SO ORDERED this 26th day of September, 2019.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE